

## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

1. (CURRENTLY AMENDED) ~~Seed of~~ A seed of a soybean ~~variety~~ cultivar designated S022217 wherein a representative sample of seed was deposited under ATCC Accession No. \_\_\_\_\_.
2. (CURRENTLY AMENDED) A soybean plant, ~~or parts or a part thereof~~, of ~~variety~~ soybean cultivar S022217, wherein a representative sample of seed of said variety having been soybean cultivar was deposited under ATCC Accession No. \_\_\_\_\_.
3. (ORIGINAL) Pollen of the plant of claim 2.
4. (ORIGINAL) An ovule of the plant of claim 2.
5. (CURRENTLY AMENDED) A tissue culture of regenerable cells produced from the plant of claim 2.
6. (CURRENTLY AMENDED) ~~A tissue~~ The tissue culture according to claim 5, wherein said ~~cell or a protoplast~~ regenerable cells of the tissue culture ~~is derived~~ are derived from a ~~tissue~~ plant part selected from the group ~~consisting of:~~ consisting of leaves, pollen, embryos, ~~cotyledon, hypocotyl,~~ cotyledons, hypocotyls, meristematic cells, roots, root tips, anthers, flowers, seeds, stems and pods.
7. (CURRENTLY AMENDED) A soybean plant regenerated from the tissue culture of claim 5, wherein the regenerated plant ~~is capable of expressing all~~ has all of the morphological and physiological characteristics of soybean cultivar S022217 and wherein a representative sample of seed of said soybean cultivar was deposited under ATCC Accession No. \_\_\_\_\_.
8. (ORIGINAL) A method for producing a hybrid soybean seed comprising crossing a first parent soybean plant with a second parent soybean plant and harvesting the resultant hybrid soybean seed, wherein said first parent soybean plant or said second parent soybean plant is the soybean plant of claim 2.

9. – 19. (CANCELED)

20. (CURRENTLY AMENDED) A method for producing a soybean plant that contains in its genetic material a transgene, comprising crossing the soybean plant of claim 2 with ~~a soybean plant containing~~ either a second plant of another cultivar which contains a transgene, or a transformed soybean plant of the soybean cultivar S022217 so that the genetic material of the progeny that result from the cross contains a transgene operably linked to a regulatory element and wherein said transgene confers a trait selected from the group consisting of male sterility, herbicide resistance, insect resistance, and disease resistance, and wherein said transgene is expressed.

21. – 22. (CANCELED)

23. (NEW) An herbicide resistant soybean plant produced by the method of claim 20.

24. (NEW) The soybean plant of claim 23 wherein the transgene confers resistance to an herbicide selected from the group consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine, and benzonitrile.

25. (NEW) An insect resistant soybean plant produced by the method of claim 20.

26. (NEW) The soybean plant of claim 25 wherein the transgene encodes a *Bacillus thuringiensis* endotoxin.

27. (NEW) A disease resistant soybean plant produced by the method of claim 20.

28. (NEW) A method of producing a soybean plant with modified fatty acid metabolism or modified carbohydrate metabolism wherein the method comprises transforming the soybean plant of claim 2 with a transgene encoding a protein selected from the group consisting of fructosyltransferase, levansucrase,  $\alpha$ -amylase, invertase, and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase.

29. (NEW) A soybean plant having modified fatty acid metabolism or modified carbohydrate metabolism produced by the method of claim 28.

30. (NEW) A method of introducing a desired trait into soybean cultivar S022217 wherein the method comprises:

- (a) crossing the S022217 plants, grown from seed deposited under ATCC Accession No. PTA-\_\_\_\_\_, with plants of another soybean cultivar that comprise and express a desired trait to produce progeny plants, wherein the desired trait is selected from the group consisting of male sterility, modified fatty acid metabolism, modified carbohydrate metabolism, herbicide resistance, insect resistance and resistance to bacterial, fungal or viral disease;
- (b) selecting one or more progeny plants that have and express the desired trait to produce selected progeny plants;
- (c) crossing the selected progeny plants with the S022217 plants to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have and express the desired trait and physiological and morphological characteristics of soybean cultivar S022217 to produce selected backcross progeny plants; and
- (e) repeating steps (c) and (d) three or more times in succession to produce selected fourth or higher backcross progeny plants that comprise and express the desired trait and all of the physiological and morphological characteristics of soybean cultivar S022217 as described in the VARIETY DESCRIPTION INFORMATION.

31. (NEW) A plant produced by the method of claim 30, wherein the plant has the desired trait and all of the physiological and morphological characteristics of soybean cultivar S022217 as described in the VARIETY DESCRIPTION INFORMATION.

32. (NEW) The plant of claim 31 wherein the desired trait is herbicide resistance and the resistance is conferred to an herbicide selected from the group consisting of imidazolinone, sulfonylurea, glyphosate, glufosinate, L-phosphinothricin, triazine, and benzonitrile.

33. (NEW) The plant of claim 31 wherein the desired trait is insect resistance and the insect resistance is conferred by a transgene encoding a *Bacillus thuringiensis* endotoxin.

34. (NEW) The plant of claim 31 wherein the desired trait is modified fatty acid metabolism or modified carbohydrate metabolism and said desired trait is conferred by a nucleic acid encoding a protein selected from the group consisting of fructosyltransferase, levansucrase,  $\alpha$ -amylase, invertase, and starch branching enzyme or encoding an antisense of stearyl-ACP desaturase.

35. (NEW) A male sterile soybean plant produced by the method of claim 20.

36. (NEW) The plant of claim 31 wherein the desired trait is male sterility and the trait is conferred by a cytoplasmic nucleic acid molecule that confers male sterility.